

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOSELITO CASIMIRO,

Case No. C 13-1936 RS

Petitioner,

v.

ORDER

ERIC H. HOLDER, JR. et al.,

Respondents.

Petitioner filed this habeas petition and a request for a temporary restraining order on the morning of the day he is under order to present himself at San Francisco International Airport, at 10:50 a.m. for deportation to the Philippines. It appears that petitioner is relying on the issuance of a restraining order to prevent his deportation as a factual matter. Petitioner has informed the Court that he intends to present himself for deportation at the scheduled time.

The grounds on which petitioner seeks to stay his deportation is that he received ineffective assistance of counsel because his attorney, although contracted and paid to do so, failed to file his appeal with the Ninth Circuit Court of Appeals. The Court has jurisdiction over this petition. *See Singh v. Gonzalez*, 499 F.3d 969 (2007), *Jones v. Cunningham*, 371 U.S. 236, 240 (1963). A temporary restraining order staying petitioner's deportation is hereby entered. A hearing shall be

1 held on Thursday, May 2, 2013, at 1:30 p.m. in the above-captioned court to determine whether
2 petitioner's deportation should continue to be enjoined. The government is ordered to file its
3 response to the petition by Wednesday, May 1, 2013, at 12:00 p.m.

4 IT IS SO ORDERED.
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6 Dated: 4/29/13
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8 RICHARD SEEBORG
9 UNITED STATES DISTRICT JUDGE
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